

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 21 2006

at 3 o'clock and 55 min. PM
SUE BEITIA, CLERK

Attorneys for Defendants WILLIAM P. BADUA,
JEFFREY OMAI and SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,

Plaintiff,

vs.

WILLIAM P. BADUA;
JEFFREY OMAI;
SPENCER ANDERSON;
NEIL PANG;
and DOES 5-10,

Defendants.

) CIVIL NO. CV03-476 KSC
)
) NOTICE OF HEARING;
) DEFENDANTS WILLIAM P.
) BADUA, JEFFREY OMAI AND
) SPENCER ANDERSON'S MOTION
) IN LIMINE NO. 7 RE: PRECLUDING
) PLAINTIFF'S EXPERT WITNESS'
) TESTIMONY AND REPORT;
) MEMORANDUM IN SUPPORT OF
) MOTION; DECLARATION OF
) KENDRA K. KAWAI; EXHIBITS
) "A"- "C"; CERTIFICATE OF
) SERVICE
)
) Date: _____
) Time: _____
Judge: Honorable Kevin S.C. Chang

TRIAL DATE: WEEK OF
MARCH 14, 2006

NOTICE OF HEARING

TO: JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813

and

ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813

and


RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before the Honorable Kevin S.C. Chang, Magistrate Judge of the above-entitled Court, in his courtroom at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, on the ____ day of _____, 2006, at ____ o'clock __.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,) CIVIL NO. 03-476 KSC
)
Plaintiff,) DEFENDANTS WILLIAM P.
) BADUA, JEFFREY OMAI AND
vs.) SPENCER ANDERSON'S MOTION
) IN LIMINE NO. 7 RE: PRECLUDING
WILLIAM P. BADUA;) PLAINTIFF'S EXPERT WITNESS'
JEFFREY OMAI;) TESTIMONY AND REPORT
SPENCER ANDERSON;)
NEIL PANG;)
and DOES 5-10,)
)
Defendants.)
)
_____)

DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S MOTION IN LIMINE NO. 7 RE: PRECLUDING
PLAINTIFF'S EXPERT WITNESS' TESTIMONY AND REPORT


Defendants WILLIAM P. BADUA, SPENCER ANDERSON and
JEFFREY OMAI (hereinafter collectively "Defendants"), by and through their
attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and
Marie Manuele Gavigan, Deputies Corporation Counsel, hereby move this
Honorable Court for an order, in limine, to preclude Plaintiff's expert witness,
Robert C Marvit, M.D.'s testimony and report.

This motion is brought pursuant to Rule 7 of the Federal Rules of Civil
Procedure, LR 16.9 and Rules 401, 402, 403 and 702 of the Federal Rules of

Evidence, and is based upon the memorandum of law attached hereto, as well as upon the record and files herein.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,)	CIVIL NO. 03-476 KSC
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
WILLIAM P. BADUA;)	
JEFFREY OMAI;)	
SPENCER ANDERSON;)	
NEIL PANG;)	
and DOES 5-10,)	
)	
Defendants.)	
)	
)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand
delivery to the following individuals at their addresses shown below on
February 21, 2006:

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and


ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
and

RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By: 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorney for Defendants